

ASSEMBLY BILL

No. 2464

Introduced by Assembly Member Fong

February 21, 2014

An act to amend Section 50710.1 of the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 2464, as introduced, Fong. Migrant farm labor centers.

Existing law authorizes the Department of Housing and Community Development to contract with local public and private nonprofit agencies to provide housing services, including shelter, education, sanitation, and day care services for migratory agricultural workers, through the development, construction, reconstruction, rehabilitation, or operation of a migrant farm labor center.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 50710.1 of the Health and Safety Code
- 2 is amended to read:
- 3 50710.1. (a) If all the development costs of ~~any~~ a migrant farm
- 4 labor center assisted pursuant to this chapter are provided by
- 5 federal, state, or local grants, and if inadequate funds are available
- 6 from any federal, state, or local service to write-down operating
- 7 costs, the department may approve rents for that center that are in

1 excess of rents charged in other centers assisted by the Office of
2 Migrant Services. However, notwithstanding any other provision
3 of law, commencing with the 2006 growing season, the department
4 shall not increase rents for residents of any facility assisted by the
5 Office of Migrant Services to a level that exceeds 30 percent of
6 the average annualized household incomes of residents of the
7 facility without specific legislative authorization. Prior to approving
8 these rents, the department shall consider the adequacy of evidence
9 presented by the entity operating the center that the rents reimburse
10 actual, reasonable, and necessary costs of operation.

11 (b) At the end of each fiscal year, ~~any~~ *an* entity operating a
12 migrant farm labor center pursuant to this chapter may establish
13 a reserve account comprised of the excess funds provided through
14 the annual operating contract received from the department if the
15 department certifies there is no need to address reasonable general
16 maintenance requirements or repairs, rehabilitation, and
17 replacement needs of the requesting migrant farm labor center
18 ~~which~~ *that* affect the immediate health and safety of residents. The
19 cumulative balance of the reserve account shall not exceed 10
20 percent of the annual operating funds annually committed to the
21 entity by the department. Funds in the reserve account shall be
22 used only for capital improvements, such as replacing or repairing
23 structural elements, furniture, fixtures, or equipment of the migrant
24 farm labor center, the replacement or repair of which are reasonably
25 required to preserve the migrant farm labor center. Withdrawals
26 from the reserve account shall be made only upon the written
27 approval of the department of the amount and nature of
28 expenditures.

29 (c) A migrant farm labor center governed by this chapter may
30 be operated for an extended period prior to or beyond the standard
31 180-day period after approval by the ~~department, provided that~~
32 *department if* all of the following conditions are satisfied:

33 (1) No additional subsidies provided by the department are used
34 for the operation or administration of the migrant farm center
35 during the extended occupancy period except to the extent that
36 state funds are appropriated or authorized for the purpose of
37 funding all or part of the cost of subsidizing extended occupancy
38 periods during the first 14 days only.

39 (2) Rents are not to be increased above the rents charged during
40 the standard 180-day occupancy period unless the department finds

1 that an increase is necessary to cover the difference between
2 reasonable operating costs necessary to keep the center open during
3 the extended occupancy period and the amount of state funds
4 available pursuant to paragraph (1) and any contributions from
5 agricultural employers or other federal, local, or private sources.
6 These contributions shall not be used to reduce the amount of state
7 funds that otherwise would be made available to the center to
8 subsidize rents during an extended occupancy period.

9 (3) In no event shall the rent during the extended occupancy
10 period exceed the average daily operating cost of the center, less
11 any subsidy funds available pursuant to paragraph (1) or (2). With
12 respect to an extended occupancy beyond the standard 180-day
13 period, households representing at least 25 percent of the units in
14 the center shall have indicated their desire and intention to remain
15 in residency by signing a petition to the local entity to keep the
16 center open for an extended period at rents that are the same or
17 higher than rents during the regular period of occupancy. Each
18 household shall receive a clear bilingual notice describing the
19 extended occupancy options attached to the lease.

20 The Legislature finds and declares that because the number of
21 residents may be substantially reduced during the extended
22 occupancy period, a rent increase may be necessary to cover
23 operating costs. It is the intent of the Legislature that the public
24 sector, private sector, and farmworkers should each play an
25 important role in ensuring the financial viability of this important
26 source of needed housing.

27 (4) An extended occupancy period is requested by an entity
28 operating the migrant farm labor center and received by the
29 department no earlier than 30 days and no later than 15 days prior
30 to the center's scheduled opening or closing date. The department
31 shall notify the entity and petitioning residents of the final decision
32 no later than seven days prior to the center's scheduled opening
33 or closing date. During the extended occupancy period, occupancy
34 shall be limited to migrant farmworkers and their families who
35 resided or intended to reside at a migrant center during the regular
36 period of occupancy.

37 (5) Before approving or denying an early opening or an
38 extension and establishing the rents for the extended occupancy
39 period, both of which shall be within the sole discretion of the

1 department, the department shall take into consideration all of the
2 following factors:

3 (A) The structural and physical condition of the center, including
4 water and sewer pond capacity and the capacity and willingness
5 of the local entity to operate the center during the extended
6 occupancy period.

7 (B) Whether local approvals are required, and whether there
8 are competing demands for the use of the center's facilities.

9 (C) Whether there is adequate documentation that there is a
10 need for residents of the migrant center to continue work in the
11 area, as confirmed by the local entity.

12 (D) The climate during the extended occupancy period.

13 (E) The amount of subsidy funds available that can be allocated
14 to each center to subsidize rents below the operating costs and the
15 cost of operating each center during the extended occupancy period.

16 (F) The extended occupancy period is deemed necessary for the
17 health and safety of the migrant farmworkers and their families.

18 (G) Other relevant factors affecting the migrant farmworkers
19 and their families and the operation of the centers.

20 (6) The rents collected during the extended occupancy period
21 shall be remitted to the department. However, based on financial
22 records to the satisfaction of the department, the department may
23 reduce the amount to be remitted by an amount it determines the
24 local entity has expended during the extended occupancy period
25 that is not being reimbursed by department funds.

26 (7) The occupancy during the extended occupancy period
27 represents a new tenancy and is not subject to existing and statutory
28 and regulatory limitations governing rents. Prior to the beginning
29 of the extended occupancy period, residents shall be provided at
30 least two days' advance written notice of any rent increase and of
31 the expected length of the extended occupancy period, including
32 the scheduled date of the beginning of the extended occupancy
33 period and closure of the center. Prior to being eligible for
34 residency during the extended occupancy period, residents shall
35 sign rental documents deemed necessary by the department.

36 (d) The Legislature finds and declares that variable annual
37 climates and changing agricultural techniques create an inability
38 to accurately predict the end of a harvest season for the purposes
39 of housing migrant farmworkers and their families. Because of
40 these factors, in any part of this state, and in any specific year, one

1 or more migrant farmworker housing centers governed by this
2 chapter need to open early or remain open for up to two additional
3 weeks to allow the residents to provide critical assistance to
4 growers in harvesting crops while also fulfilling work expectations
5 that encouraged them to migrate to the areas of the centers. In
6 addition, if the centers close prematurely or open late, the migrant
7 farmworkers often must remain or reside in the areas to work for
8 up to two weeks. During this time they will not be able to obtain
9 decent, safe, and affordable housing and the health and safety of
10 their families and the surrounding community will be threatened.

11 The Legislature therefore finds and declares that, for the purposes
12 of any public or private right, obligation, or authorization related
13 to the use of property and improvements thereon as a 180-day
14 migrant center, an extended use of any housing center governed
15 by this chapter pursuant to this section is deemed to be the same
16 as the 180-day use generally authorized by this chapter.

17 (e) Because of the presumed income levels of the occupants of
18 migrant farm labor centers, an entity operating a migrant farm
19 labor center shall be deemed eligible for the California Alternative
20 Rates for Energy program established pursuant to Sections 382
21 and 739.1 of the Public Utilities Code. Any savings from a
22 reduction in energy rates shall be passed on to the occupants of
23 the migrant farm labor center.